UNITED STATES DISTRICT COURT
Northern District of California
280 South First Street
San Jose, California 95113

www.cand.uscourts.gov

Richard W. Wieking
Clerk

General Court Number
408.535.5364

February 29, 2008

FILED
MAR - 5 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

'08 CV 0423 L RBB

2354 ___ 1983 ___
FILING FEE PAID
Yes ___ No ___
IFP MOTION FILED
Yes ___ No ___
COPIES SENT TO
Court ___ ProSe ___

Clerk's Office, U.S. District Court
4290 Edward J. Schwartz Federal Building
880 Front Street
San Diego, California 92101-8900

RE: CV 08-00746 RMW ARDY D CHADWICK-v-SAN DIEGO POICE DEPT

Dear Clerk,

Pursuant to an order transferring the above captioned case to your court, transmitted herewith are:

- ☒ Certified copy of docket entries.
- ☒ Certified copy of Transferral Order.
- ☒ Please access the electronic case file for additional pleadings you may need. See the attached instructions for details.

Please acknowledge receipt of the above documents on the attached copy of this letter.

Sincerely,
RICHARD W. WIEKING, Clerk

by: Diane Miyashiro
Case Systems Administrator

Enclosures
Copies to counsel of record

February 29, 2008

These instructions are for internal court use only.

Instructions for Retrieving Northern District of California Electronic Case Files

This login and password is a court-user read-only login to the CM/ECF website for the Northern District of California at **https://ecf.cand.circ9.dcn**. It should be used only by court personnel who have a need to access relevant case information.

Login: **xfr**
Password: **xfr**

For assistance accessing the website, please call our help desk at 866-638-7829 or e-mail at ecfhelpdesk@cand.uscourts.gov.

FILED

FEB 21 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.
ATTEST:
RICHARD W. WIEKING
Clerk, U.S. District Court
Northern District of California
BY: [signature] DEPUTY CLERK
DATE: 2/29/08

ARDY DEMETRIUS CHADWICK, Plaintiff, vs. SAN DIEGO POLICE DEPARTMENT, Defendant.	No. C 08-0746 RMW (PR) ORDER OF TRANSFER

Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against the San Diego Police Department concerning the use of excessive force at the time of his arrest. The acts complained of occurred in San Diego County and the defendant is located in San Diego County, which lies within the venue of the Southern District of California. Therefore, venue properly lies in the Southern District. See 28 U.S.C. § 1391(b). Accordingly, this case is TRANSFERRED to the United States District Court for the Southern District of California. See 28 U.S.C. § 1406(a). In view of the transfer, the court will not rule upon plaintiff's pending motion to proceed in forma pauperis (docket no. 2). The clerk shall terminate all pending motions and transfer the entire file to the Southern District of California.

IT IS SO ORDERED.

DATED: 2/15/08

[signature: Ronald M. Whyte]
RONALD M. WHYTE
United States District Judge

4 [handwritten initials]

This is to certify that on 2/21/08, a copy of this ruling was mailed to the following:

Ardy Demetrius Chadwick
T-13047
California Mens Colony
P.O. Box 8101
San Luis Obispo, CA 93409-8101

CLOSED, E-Filing, ProSe, TRANSF

U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:08-cv-00746-RMW
Internal Use Only

Chadwick v. San Diego Police Department
Assigned to: Hon. Ronald M. Whyte
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 01/31/2008
Date Terminated: 02/21/2008
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Ardy Demetrius Chadwick

represented by **Ardy Demetrius Chadwick**
T-13047
California Men's Colony
P.O. Box 8101
San Luis Obispo, CA 93409-8101
PRO SE

V.

Defendant

San Diego Police Department

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office
ATTEST:
RICHARD W. WIEKING
Clerk, U.S. District Court
Northern District of California
BY: Dicca Miyasaki
DEPUTY CLERK
DATE: 2/29/08

Date Filed	#	Docket Text
01/31/2008	1	COMPLAINT against San Diego Police Department; No Process; In Forma Pauperis pending. Filed by Ardy Demetrius Chadwick. (dhm, COURT STAFF) (Filed on 1/31/2008) (dhm, COURT STAFF). (Entered: 02/04/2008)
01/31/2008	2	MOTION for Leave to Proceed in forma pauperis filed by Ardy Demetrius Chadwick. (dhm, COURT STAFF) (Filed on 1/31/2008) (dhm, COURT STAFF). (Entered: 02/04/2008)
01/31/2008	3	CLERK'S NOTICE re completion of In Forma Pauperis affidavit or payment of filing fee due within 30 days. (dhm, COURT STAFF) (Filed on 1/31/2008) (Entered: 02/04/2008)
01/31/2008		CASE DESIGNATED for Electronic Filing. (dhm, COURT STAFF) (Filed on 1/31/2008) (Entered: 02/04/2008)
02/21/2008	4	ORDER TRANSFERRING CASE to the United States District Court for the Southern District of California. Signed by Judge Ronald M. Whyte on 2/15/2008. (dhm, COURT STAFF) (Filed on 2/21/2008) (Entered: 02/21/2008)

Chadwick ARDY Demetrius
FULL NAME

COMMITTED NAME (if different)
P.O Box 8101
FULL ADDRESS INCLUDING NAME OF INSTITUTION
San luis obispo C.A 93409.
T-13047.
PRISON NUMBER (if applicable)

'08 CV 0423 L RBB E-filing

FILED
JAN 31 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

RMW

ARDY D. Chadwick. PLAINTIFF, San Diego Police Department DEFENDANT(S).	CASE NUMBER CV 08 0746 (To be supplied by the Clerk) **CIVIL RIGHTS COMPLAINT PURSUANT TO** *(Check one)* ☒ 42 U.S.C. § 1983 ☐ Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

(PR)

A. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits in a federal court while a prisoner: ☐ Yes ☒ No

2. If your answer to "1." is yes, how many? ______

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

I was Beatting up By a San Diego police officer with a Busted Ear Drum head injury To where now I have sezzurs and lowyer Back pain, The cop Beat me Then he said he found cockan on me in my right Pants pockts now how could he found Dope in my pocket To where The ~~pan~~ Pants I had on DiDnt have any Pockets on Them - I am. Disability. and my lowyer made a fool out of me my head injury's isnT getting any Better. The police got The wrong man - I Even Told The Cop To get a DNA Test. He DiDNT Do That. If you ask me He knew He got The - wrong man He just had a Bad Day and wanted To puT it out on some Body - But He really and Truely DID mest me up very Bady. what Kind of humon Beat up another man for no Crime now I would under stand if I did a crime I'll do The Time But I did nothing But Im here.

CV-08-4746 RMW

a. Parties to this previous lawsuit:
Plaintiff Chadwick ARDY Demetrius.

Defendants San Diego Police Department.

b. Court Southern District Court of California.

c. Docket or case number C07-6248 RMW (PR)

d. Name of judge to whom case was assigned Ronald M. WhYTE

e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) it is still Pending

f. Issues raised: I'm asking 3.15 million Dollars for pain and Suffring Doctor Bills The Caust of my D-Telling Shop which is now close Because of This lieing mest.

g. Approximate date of filing lawsuit: Jule of 05

h. Approximate date of disposition

B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☐ Yes ☒ No

2. Have you filed a grievance concerning the facts relating to your current complaint? ■ Yes ☐ No

If your answer is no, explain why not

3. Is the grievance procedure completed? ☐ Yes ☒ No

If your answer is no, explain why not I heard nothing From Them yet about it

4. Please attach copies of papers related to the grievance procedure.

C. JURISDICTION

This complaint alleges that the civil rights of plaintiff ARDY Demetrius Chadwick
(print plaintiff's name)

who presently resides at Po Box 8161 San luis obisPo CA 93409.
(mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at San Diego Police Department 15th and Island San Diego
(institution/city where violation occurred)

on (date or dates) June of 05 (Claim I), ________ (Claim II), ________ (Claim III).

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant Officer Hall. (full name of first defendant) resides or works at
   San Diego Police Department T.&. (full address of first defendant)
   Drugs Task force Team. (defendant's position and title, if any)

   The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

   Explain how this defendant was acting under color of law:
   He ask me To help him buy some Drug's I Told him No. He walk off To The other side of The street some Body Else DiP it

2. Defendant Don'T Know his Name (full name of first defendant) resides or works at
   San Diego Police DepartmenT. (full address of first defendant)
   on Duty Cop. (defendant's position and title, if any)

   The defendant is sued in his/her (Check one or both): ■ individual ☐ official capacity.

   Explain how this defendant was acting under color of law:
   He ask me if my name was melvan I Told him no He Told me geT on The curb I did, geT on The fince He Hit me.

3. Defendant David raKen (full name of first defendant) resides or works at 220 west broadway. S.D C.A
   Down Town San Diego CourT apeal lawyer. 92101 (full address of first defendant)
   CourT apeal lawyer. (defendant's position and title, if any)

   The defendant is sued in his/her (Check one or both): ☒ individual ☐ official capacity.

   Explain how this defendant was acting under color of law:
   He lie To me abouT The Deal I Told him I wanted To go To tile He said no we are noT going To tile He DiD noT FighT for me They puT some white man. who I never sean in my life, and said He was my crimey and I don'T Know This man I was from I did no Crime, cop BeaT up The wrong man.

4. Defendant ______________________________ resides or works at
(full name of first defendant)

____
(full address of first defendant)

____
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

____

____

5. Defendant ______________________________ resides or works at
(full name of first defendant)

____
(full address of first defendant)

____
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

____

____

D. CLAIMS*

CLAIM I

The following civil right has been violated:

He DiDnT read me my righTś false arest getting BeaT up By Police excessive force.
Busted my right Ear Drum. head injury lowyer Back.
The cop ask me To help him Fine Drug's I Told him NO
He left and went accrost The street He had another man
who go By The name shorty He gave money To him noT
me.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

(1) officer Hall ask me To help him fine some Drug's. (2) I told him No. (3) officer Hall Then walk's accrost The street saT Down on The side walk. (4) shorty walk Down The Hill from the Trolley. (5) officer Hall stop him. (6) They Talk about 45 mints (7) officer Hall gave shorty some money (8) Shorty goes To The Bridge. and was gone about 5 min. (9) come Back Putting Thing's into his Pocket walk accrost The street (10) sit Down next To officer Hall (11) Put something into officer Hall hand. He look suprise. gave shorty some more money. (12) officer Hall goes one way shorty went The other. (13) saw a Black and white on The corner (14) I said shorty DiD a Buy and Bust. (15) instead He going for him He came stright for me. (16) The cop get [redacted] The car To me and The panger window was Down and ask me if I was melvan. (17) I Told him No Im NoT.

*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.

E. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:

I am asking I be paid for Damage To my head Ear Drum lawyer Back. I am also asking money damage for The lost of my D-Telling Shop. The pain and stressT I went Threw. The lie That The San Diego police officer had Told The judge To put me in jail away from my family. Cause me To have a Divorse.
and now I will be in and out of The Doctor office.
I want my record sponge I shouldnT be here. They lie on me my lawyer DaviD racken lie To geT me here I wanted To go To Tri le He Told me No. I'm going To geT him By The news.
I want officer Hall and The other police officer To lose There Bags
I am asking for 3.15 million Dollar's I DiD nothing wrong. I'm a man if I did a crime I would Do The Time. BuT I DiD nothing wrong The goT and BeaT up The wrong man. If I would of went Back To Drug's I would ask him for help. I Told Them Take Blood Take a Pee. DNA They DiD nothing. I had Blood coming from me BuT They DiD No Kind of DNA Testing.
They were wrong for whaT They DiD To me and no I want The world To Know These cop's will BeaT you up. very Badly.

1/12/08
(Date)

Chadwick ARDY Demetrius
(Signature of Plaintiff)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ARDY D. CHADWICK,
CDCR #T-13047,

Plaintiff,

vs.

SAN DIEGO POLICE DEPARTMENT,

Defendant.

Civil No. 08-0063 JAH (WMc)

ORDER DENYING MOTION TO PROCEED *IN FORMA PAUPERIS* AND DISMISSING CASE WITHOUT PREJUDICE PURSUANT TO 28 U.S.C. § 1915(a)

[Doc. No. 2]

Ardy Chadwick ("Plaintiff"), a state prisoner currently incarcerated at the California Men's Colony located in San Luis Obispo, California, and proceeding pro se, has submitted a civil rights Complaint pursuant to 28 U.S.C. § 1983.

Plaintiff has not prepaid the $350 filing fee mandated by 28 U.S.C. § 1914(a); instead, he has filed a Motion to Proceed *In Forma Pauperis* ("IFP") pursuant to 28 U.S.C. § 1915(a) [Doc. No. 2].

I. MOTION TO PROCEED IFP

Effective April 9, 2006, all parties instituting any civil action, suit or proceeding in a district court of the United States, except an application for writ of habeas corpus, must pay a filing fee of $350. *See* 28 U.S.C. § 1914(a). An action may proceed despite a party's failure to pay only if the party is granted leave to proceed in forma pauperis ("IFP") pursuant to 28 U.S.C.

§ 1915(a). *See Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007); *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). Prisoners granted leave to proceed IFP however, remain obligated to pay the entire fee in installments, regardless of whether the action is ultimately dismissed for any reason. *See* 28 U.S.C. § 1915(b)(1) & (2).

Prisoners seeking leave to proceed IFP must also submit a "certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint...." 28 U.S.C. § 1915(a)(2). From the certified trust account statement, the Court must assess an initial payment of 20% of (a) the average monthly deposits in the account for the past six months, or (b) the average monthly balance in the account for the past six months, whichever is greater, unless the prisoner has no assets. *See* 28 U.S.C. § 1915(b)(1), (4); *see also Taylor v. Delatoore*, 281 F.3d 844, 850 (9th Cir. 2002). Thereafter, the institution having custody of the prisoner must collect subsequent payments, assessed at 20% of the preceding month's income, in any month in which the prisoner's account exceeds $10, and forward those payments to the Court until the entire filing fee is paid. *See* 28 U.S.C. § 1915(b)(2).

While Plaintiff has filed a Motion to Proceed IFP in this matter pursuant to 28 U.S.C. § 1915(a), he has not attached a certified copy of his prison trust account statement for the 6-month period immediately preceding the filing of his Complaint. *See* 28 U.S.C. § 1915(a)(2); S.D. CAL. CIVLR 3.2. Section 1915(a)(2) clearly mandates that prisoners "seeking to bring a civil action ...without prepayment of fees ... *shall* submit a certified copy of the trust fund account statement (or institutional equivalent) ... for the 6-month period immediately preceding the filing of the complaint." 28 U.S.C. § 1915(a)(2) (emphasis added).

Without Plaintiff's trust account statement, the Court is simply unable to assess the appropriate amount of the filing fee required to initiate this action. *See* 28 U.S.C. § 1915(b)(1). Therefore, Plaintiff's Motion to Proceed IFP must be DENIED.

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CALIFORNIA MEN'S COLONY STATE PRISON
P.O. BOX 8101
SAN LUIS OBISPO, CA 93409-8101

Name: Chadwick HARDY

CDCR #: F-13047 Cell #: 73/20

CALIFORNIA MEN'S COLONY
STATE PRISON
SAN LUIS OBISPO CA 93409

UNITED STATES POSTAGE
PITNEY BOWES
$ 00.92⁰
02 1M
0004247478 JAN 28 2008
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STATE PRISON
GENERATED MAIL

Richard w. WIEKing
% united states District court
450 Golden Gate ave.
San francisco C.A 94102

RECEIVED
JAN 3 0 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

94102+3661 C004

FSP41-0077-1

FILED
JAN 31 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

E-filing

Dear Sir or Madam:

Your complaint has been filed as civil case number CV 08 0746 RMW (PR)

✓ A filing fee of $350.00 is now due. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's In Forma Pauperis Application in its entirety. If the application is granted, you will not have to prepay the fee, but it will be taken out of income to your prisoner account in installments.

Your complaint is deficient because you did not pay the filing fee and:

1. ____ you did not file an In Forma Pauperis Application.

2. ✓ the In Forma Pauperis Application you submitted is insufficient because:

✓ You did not use the correct form. You must submit this court's current Prisoner's In Forma Pauperis Application.

____ Your In Forma Pauperis Application was not completed in its entirety.

____ You did not sign your In Forma Pauperis Application.

ok You did not submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison.

ok You did not attach a copy of your prisoner trust account statement showing transactions for the last six months.

____ Other ________________

Enclosed you will find this court's current Prisoner's In Forma Pauperis Application, which includes a Certificate of Funds in Prisoner's Account form, and a return envelope for your convenience.

Warning: YOU MUST RESPOND TO THIS NOTICE. If you do not respond within THIRTY DAYS from the filing date stamped above, your action will be DISMISSED, the file closed and the entire filing fee will become due immediately. Filing a prisoner's In Forma Pauperis Application will allow the court to determine whether installment payment of the filing fee should be allowed.

Sincerely,
RICHARD W. WIEKING, Clerk,

By ________________
Deputy Clerk

CHADWICK

rev. 10/25/07

JS44
(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers ~~as required by law, except as provided by local~~ rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

FILED
MAR - 5 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

2254 1983
FILING FEE PAID
Yes ___ No ✓
IFP MOTION FILED
Yes ✓ No ___
COPIES SENT TO
Court ✓ ProSe ___

I (a) PLAINTIFFS

Ardy Demetrius Chadwick

DEFENDANTS

San Diego Police Department

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Luis Obispo
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Ardy Demetrius Chadwick
PO Box 8101
San Luis Obispo, CA 93409
T-13047

ATTORNEYS (IF KNOWN)

'08 CV 0423 L RBB

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX (For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT

	PT	DEF		PT	DEF
Citizen of This State	☐1	☐1	Incorporated or Principal Place of Business in This State	☐4	☐4
Citizen of Another State	☐2	☐2	Incorporated and Principal Place of Business in Another State	☐5	☐5
Citizen or Subject of a Foreign Country	☐3	☐3	Foreign Nation	☐6	☐6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT
☐ 110 Insurance
☐ Marine
☐ Miller Act
☐ Negotiable Instrument
☐ 150 Recovery of Overpayment &Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153Recovery of Overpayment of Veterans Benefits
☐ 160 Stockholders Suits
☐ Other Contract
☐ 195 Contract Product Liability

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectmant
☐ 240 Tort to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury

PERSONAL INJURY
☐ 362 Personal Injury- Medical Malpractice
☐ 365 Personal Injury - Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 444 Welfare
☐ 440 Other Civil Rights

PRISONER PETITIONS
☐ 510 Motions to Vacate Sentence Habeas Corpus
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☒ 550 Civil Rights

FORFEITURE/PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC881
☐ 630 Liquor Laws
☐ 640 RR & Truck
☐ 650 Airline Regs
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR
☐ 710Fair Labor Standards Act
720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc.
☐ Security Act

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (13958)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS - Third Party 26 USC 7609

OTHER STATUTES
☐ 400 State Reappointment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce/ICC Rates/etc.
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 810 Selective Service
☐ 850 Securities/Commodities Exchange
☐ 875 Customer Challenge 12 USC
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State
☐ 890 Other Statutory Actions

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

1 Original Proceeding ☐2 Removal from State Court ☐ 3 Remanded from Appelate Court ☐4 Reinstated or Reopened ☒5 Transferred from another district (specify) NORTHERN CA ☐6 Multidistrict Litigation ☐7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23 **DEMAND $** Check YES only if demanded in complaint: **JURY DEMAND:** ☐ YES ☐NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE Docket Number

DATE 3/5/2008 ~~SIGNATURE OF ATTORNEY OF RECORD~~

RMiller